

IN THE SUPREME COURT OF THE
STATE OF FLORIDA

**INQUIRY CONCERNING A
JUDGE, NO. 08-373,
PETER A. BELL**

SC08-____

STIPULATION

In this disciplinary proceeding, the Investigative Panel of the Florida Judicial Qualifications Commission (the "JQC") and Charlotte County Judge Peter A. Bell ("Judge Bell") present the following stipulation to this Court pursuant to Article V, Section 12 of the Florida Constitution and Rule 6(j) of the Florida Judicial Qualifications Commission's Rules.

1. Under Rule 6(j), the Investigative Panel "may reach agreement with a judge on discipline or disability, and such stipulation shall be transmitted directly to the Supreme Court, to accept reject or modify in whole or in part."

2. A Notice of Investigation dated October 14, 2008 was initially served on Judge Bell. A hearing before the Investigative Panel was held in Tampa, Florida on January 8, 2009, at which Judge Bell appeared and testified.

3. After an extensive review of the record, including the video recording of the court proceeding, Judge Bell's responses to the Panel's inquiries, the Investigative Panel respectfully submits that the interest of justice and sound judicial administration are best

served by entering into this Stipulation regarding the matters at issue and by the Findings and Recommendations which accompany this Stipulation.

4. The violations of the Judicial Canons arise from and relate to the manner in which Judge Bell addressed a case of alleged domestic violence.

5. As is outlined in the Formal Charges, on March 14, 2008, while sitting as a county judge for Charlotte County, Florida in *State of Florida vs. John Doe*, Charlotte County Case #08-XXX-M, a case now expunged.¹ Judge Bell found that probable cause existed for Domestic Battery against the defendant, John Doe, a former husband of the alleged victim. However, Judge Bell went further and determined that the probable cause affidavit also contained facts sufficient to establish probable cause that the victim, the former wife, may also have committed an act of domestic battery in attempting to force the former husband from her residence.

6. John Doe was a local attorney who regularly appeared in Judge Bell's court. When married, the former couple attended the same church as the Judge.

7. Despite law enforcement's determination to arrest only the former husband, and in absence of request from the Charlotte County Sheriff's Office or the State Attorney's Office, Judge Bell *sua sponte* ordered the victim, who was present in court as a victim of domestic violence along with the Court Mediator, taken into custody.

8. As a result of Judge Bell's order, the victim was arrested, held overnight in jail, and ordered to appear the next day for first appearance.

¹ This case has now been expunged; however s.943.0585, F.S. seems to exempt acts of domestic violence as an enumerated offence in s. 907.041, F.S..

9. As described as follows, Judge Bell admits that his actions have had the appearance of unfairness, thus eroding the confidence of the public in the impartiality and integrity of the court system. He acknowledges that he failed to properly appreciate that the implementation of his duties as judge, as he understood them, may have been flawed.

10. Judge Bell accepts full responsibility for the conduct set forth above, admits that it should not have occurred and regrets and apologizes for such conduct. Judge Bell denies that he intended to violate the applicable Canons, and contends that he acted in the good faith belief that such conduct was appropriate. Judge Bell now acknowledges that his understanding of the effect of the foregoing actions in light of the Florida Canons, restricting his conduct, was erroneous. Judge Bell insists, however that he acted honestly and in good faith.

11. The Investigative Panel and Judge Bell have reached an agreement on what both believe is appropriate discipline under the circumstances. Consequently, the Investigative Panel has filed Findings and Recommendations of Discipline with the Court. Judge Bell does not contest the Findings and Recommendations and waives a plenary hearing before the Hearing Panel of the Florida Judicial Qualifications Commission.

The parties acknowledge and understand that this Stipulation and attached Findings and Recommendations of Discipline are subject to the review and approval of this Court. The parties acknowledge and understand that this Stipulation and Findings and Recommendations of Discipline may be rejected by the Court, and in that event this

matter may be returned to the Hearing Panel for a final plenary hearing. In such event, the parties agree that none of the statements in the Stipulation (or the attached Findings and Recommendations of Discipline) are admissible in that hearing for any purpose. The parties further agree that none of the negotiations related to this Stipulation are admissible for any purpose.

12. The parties agree that oral argument before this Court is not necessary in light of the record, the nature of the charges, the contents of this Stipulation, and the attached Findings and Recommendation of Discipline. As previously noted, Judge Bell waives his right to further hearings if this Stipulation is accepted.

13. To provide this Court with a full and complete record of these proceedings, filed with this Stipulation are the following materials:

- a. The Notice of Investigation, dated October 14, 2008;
- b. Transcript of the 6(b) hearing held January 8, 2009;
- c. Copy of Court file in *State v. John Doe*, Charlotte Co. Case # 08-XXX-M;
- d. The DVD of the proceedings in *State v. John Doe*, Charlotte County Case # 08-XXX-M;

(Signatures on following page)

Dated this ____ day of April, 2009.

INVESTIGATIVE PANEL OF THE
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COMMISSION

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